

**MINUTES OF THE
LAW ENFORCEMENT AND CRIMINAL JUSTICE INTERIM COMMITTEE**

Wednesday, April 24, 2002 – 9:00 a.m. – Room 416 State Capitol

Members Present:

Sen. D. Chris Buttars, Chair
Rep. DeMar "Bud" Bowman, Chair
Sen. John W. Hickman
Sen. Alicia L. Suazo
Sen. John L. Valentine
Rep. Douglas C. Aagard
Rep. Trisha S. Beck
Rep. Duane E. Bourdeaux
Rep. Patricia W. Jones
Rep. Rebecca D. Lockhart
Rep. Loraine T. Pace
Rep. Brent D. Parker
Rep. Paul Ray
Rep. Jack A. Seitz

Members Absent:

Sen. Gene Davis
Rep. Matt Throckmorton

Staff Present:

Ms. Chyleen A. Arbon, Research Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Alicia M. Laughlin, Legislative Secretary

Note: A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us/imaging/history.asp> or by contacting the Committee secretary at 538-1032.

1. Committee Business

Chair Buttars called the meeting to order at 9:05 a.m.

MOTION: Rep. Parker moved to approve the minutes of the January 17, 2002 meeting. The motion passed unanimously, with Sen. Davis, Sen. Hickman, Rep. Beck, Rep. Bourdeaux, Rep. Lockhart, Rep. Seitz, and Rep. Throckmorton absent for the vote.

2. Master Study Resolution – Study Item Prioritization

The Committee discussed potential study items and prioritized six items to study during the 2002 Interim.

MOTION: Rep. Pace moved to add the study of legalizing marijuana to the survey in order to better understand the arguments made on both sides of the issue. The motion failed, with Sen. Suazo, Rep. Beck, and Rep. Pace voting in favor and Sen. Davis, Sen. Hickman, Rep. Bourdeaux, Rep. Lockhart, and Rep. Throckmorton absent for the vote.

MOTION: Rep. Jones moved to add the study of a drug-free workplace to the survey. The motion passed unanimously, with Sen. Davis, Sen. Hickman, Rep. Bourdeaux, Rep. Lockhart, and Rep. Throckmorton absent for the vote.

MOTION: Rep. Beck moved to add H.B. 180, "Emergency Responder Priority," sponsored by Kory Holdaway in the 2002 General Session, to the survey. The motion passed unanimously, with Sen. Davis, Sen. Hickman, Rep. Bourdeaux, and Rep. Throckmorton absent for the vote.

Ms. Arbon indicated that the study item of a drug-free workplace was assigned to the Business and Labor Interim Committee.

The Committee voted to study the following items during the 2002 Interim:

1. **Initiative B** - to study the practical ramifications of Initiative B to determine if changes need to be made to more effectively handle drug forfeiture.
2. **Judicial Enforcement of DUI** - to determine how judges are enforcing the statutes relating to DUI offenses and to evaluate the effectiveness of those laws.
3. **Domestic Terrorism** - to study whether stronger laws and penalties are needed to address domestic terrorism.
4. **Criminal Penalties for Drug Users and Drug Distributors** - to evaluate the effectiveness of current state criminal penalties for drug users and drug distributors.
5. **Protective Orders** - to determine the effectiveness of protective orders in protecting those who apply for these orders and to study the potential abuses of protective orders by those who apply for them.
6. **911 Committee** - to study the creation of a Utah 911 Committee to make recommendations to the Law Enforcement and Criminal Justice Interim Committee regarding 911 fees and the coordination of the statewide 911 system.

3. Public Safety and Corrections Motor Pool

Mr. Kevin Walthers, Fiscal Analyst, Office of the Legislative Fiscal Analyst, distributed the report "Fleet Issues in the Department of Public Safety and Utah Department of Corrections." He indicated that removing the Department of Public Safety and the Department of Corrections from the state fleet in order to create their own motor pool would not be beneficial to the State. He recommended that the Department of Fleet Operations continue as the centralized manager for the Department of Corrections and the Department of Public Safety fleets.

Mr. Mike Chabries, Executive Director, Department of Corrections, indicated that the Department supports the recommendations of the fiscal analyst.

Ms. Paula Kooring, Department of Public Safety, indicated that the Department supports the recommendations of the fiscal analyst.

MOTION: Rep. Parker moved to accept the report as presented. The motion passed unanimously, with Sen. Davis, Sen. Valentine, Rep. Bourdeaux, and Rep. Throckmorton absent for the vote.

4. Department of Workforce Services Due Process on Unemployment Insurance Fraud

Ms. Kathleen Martinez, Citizen, explained the problems she experienced while claiming unemployment insurance benefits from the Department of Workforce Services. She indicated that the Department is very restricted by the current law in determining fraud. She stated that the discrepancy found on her claim was a mistake on her part and requested that the Committee review the law to determine if there can be some flexibility for honest mistakes.

Ms. Tani Pack Downing, Legal Counsel, Department of Workforce Services, distributed the Department's statute on fraud. She indicated that fraud is found when a claimant willfully makes a false statement or representation or knowingly fails to report a material fact to obtain any benefit. She explained that the fact that the claim itself contained false statements is enough to determine fraud. She recommended that the Committee could look at changing the statute in order to protect cases like that of Ms. Martinez.

Sen. Hickman asked if the Department would be in favor of changing the law to make it possible to determine if fraud was committed before someone is found guilty.

Mr. Jim Finch, Deputy Director, Department of Workforce Services, indicated that the Department would not oppose changing the statute. He pointed out that the Department has an Advisory Council composed of representatives of business, labor, and the general public that have studied this issue. He indicated that some members of the Council would probably be opposed to this kind of change in the law.

Mr. Chris Love, Director of Unemployment Insurance, Department of Workforce Services, explained the Department's process in determining fraud.

Sen. Hickman asked if the Department could change the rules within the Department without a change in the law.

Ms. Downing indicated that the rules of the Department are based on the law, and if the law is changed, the rules will be adjusted to reflect the law.

Chair Buttars stated that a change is needed, either by rule or by legislation. He indicated that there should be a way to correct mistakes before people are found to have acted fraudulently. He requested that the Department return to the Committee with recommendations on how the process could be changed to better serve the public.

Ms. Downing distributed a brochure "Appeals of Unemployment Decisions." She explained in detail how the appeals process works.

Sen. Hickman requested that staff coordinate with the Department of Workforce Services to provide recommendations to the Committee for improving the due process for claimants found guilty of unemployment insurance fraud.

5. Other Items / Adjourn

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MOTION: Rep. Parker moved to adjourn the meeting. The motion passed unanimously, with Sen. Davis, Sen. Valentine, Rep. Seitz, and Rep. Throckmorton absent for the vote.

Chair Buttars adjourned the meeting at 11:35 a.m.